

#### **IC 4-22-7**

Chapter 7. Codification, Distribution, and Publication of Rules and Other Agency Statements

#### **IC 4-22-7-1**

##### **Application of chapter**

Sec. 1. This chapter applies to all rules adopted under IC 4-22-2.  
*As added by P.L.31-1985, SEC.34.*

#### **IC 4-22-7-2**

##### **Definitions**

Sec. 2. The definitions in IC 4-22-2-3 apply throughout this chapter.  
*As added by P.L.31-1985, SEC.34.*

#### **IC 4-22-7-3**

##### **Updating of rules; style standards; correction of errors**

Sec. 3. An agency shall add, amend, and repeal its rules, as necessary, to:

- (1) eliminate obsolete or unenforceable provisions;
- (2) eliminate deviations from the format, numbering system, standards, and techniques established under IC 4-22-2-42; and
- (3) eliminate other typographical, clerical, or spelling errors.

*As added by P.L.31-1985, SEC.34.*

#### **IC 4-22-7-4**

##### **Retention of duplicate copy of rule by agency**

Sec. 4. An agency shall maintain a duplicate original copy of each rule that has been filed with the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) under a retention schedule established by the commission on public records.  
*As added by P.L.31-1985, SEC.34.*

#### **IC 4-22-7-5**

##### **Retention of duplicate copy of rule by secretary of state; distribution to publisher**

Sec. 5. (a) Except as provided in subsection (f), the secretary of state shall retain a duplicate original copy of each rule that has been accepted for filing by the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21). The secretary of state has official custody of an agency's adopted rules.

(b) Within one (1) business day after the date that the secretary of state accepts a rule for filing, the secretary of state shall distribute two (2) duplicate copies of the rule to the publisher in paper form. However, the secretary of state may distribute the rule without including the full text of any matter incorporated into the rule.

(c) When the copies are distributed under subsection (b), the secretary of state shall include a notice briefly describing the incorporated matters.

(d) Within ninety (90) days after the secretary of state accepts a rule for filing, the secretary of state may distribute duplicate originals of the rule, as follows:

- (1) To the governor, one (1) copy.
- (2) To the attorney general, one (1) copy.
- (3) To the Indiana library and historical department, two (2) copies.
- (4) After December 31, 1987, to the commission on public records, the number of copies needed by the commission for its archive program under IC 5-15-5.1.

(e) The secretary of state may distribute copies under subsection (d) in micrographic or electronic form. The micrographic copies shall be prepared under IC 4-5-1-2.

(f) If a final rule includes material that has been incorporated by reference under IC 4-22-2-21, the secretary of state may:

- (1) retain custody of the secretary of state's original copy of the material; or
- (2) transfer the secretary of state's original copy of the material to the Indiana library and historical department when the secretary of state transfers two (2) copies of the duplicate original rule to the Indiana library and historical department under this section.

*As added by P.L.31-1985, SEC.34. Amended by P.L.19-1986, SEC.2; P.L.11-1996, SEC.2; P.L.28-2004, SEC.44.*

#### **IC 4-22-7-6**

##### **Publication of rules by individual agency**

Sec. 6. An agency may publish its rules under IC 4-13-4.1. A publication containing rules also may include any other matter that may assist the public in conducting its business with the agency.

*As added by P.L.31-1985, SEC.34.*

#### **IC 4-22-7-7**

##### **Certain statements, orders, and official opinions; distribution of copies; maintenance of current list**

Sec. 7. (a) This section applies to the following agency statements:

- (1) Executive orders issued by the governor.
- (2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.
- (3) Official opinions of the attorney general (excluding advisory letters).
- (4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.
- (5) Any other statement:
  - (A) that:
    - (i) interprets, supplements, or implements a statute or rule;
    - (ii) has not been adopted in compliance with IC 4-22-2;

(iii) is not intended by its issuing agency to have the effect of law; and

(iv) may be used in conducting the agency's external affairs; or

(B) that specifies a policy that an agency relies upon to:

(i) enforce a statute or rule;

(ii) conduct an audit or investigation to determine compliance with a statute or rule; or

(iii) impose a sanction for violation of a statute or rule.

This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.

(6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute two (2) duplicate copies of the statement to the publisher for publication and indexing in the Indiana Register and the copies required by IC 4-23-7.1-26 to the Indiana library and historical department. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

(1) Title.

(2) Identification number.

(3) Date originally adopted.

(4) Date of last revision.

(5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.

(6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies of the list to the publisher and two (2) copies to the Indiana library and historical department and the administrative rules oversight committee.

*As added by P.L.31-1985, SEC.34. Amended by P.L.17-1996, SEC.5; P.L.28-1997, SEC.1.*